



Attorney Docket No. 715 P 025

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Mark Robert

Application No.: 10/754,242

Confirmation No.: 7772

Filed On: January 9, 2004

Examiner: Unassigned

Art Unit: 1761

For: POURABLE LIQUID DAIRY DESSERT

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.97 AND 1.98**

Dear Sir:

Applicant submits herewith Form PTO-1449, "Information Disclosure Statement."

Copies of non-U.S. patents are being provided with this filing.

Since this Statement is being filed before the mailing date of a first Office Action, no fee is necessary.

Applicant is submitting this art pursuant to his duty of disclosure under 37 C.F.R. §1.56. However, submission of this art and statement is not an admission that any item identified contains matter anticipating the invention or rendering the invention obvious to a person of ordinary skill in the art. Further, Applicant believes that the art submitted herewith, alone or in proper combination, does not disclose, teach or suggest the invention claimed by Applicant.

The citation of the cited reference is neither an admission that the reference is sufficient to teach one of ordinary skill in the art how to make or use the subject matter thereof nor an admission that reference is material to the patentability as defined in 37 C.F.R. §1.56(b).

Moreover, submission of these references is not an admission that the reference constitutes statutory prior art or has an effective date prior to Applicant's effective date of invention.

Applicant specifically reserves all rights of privilege and confidence with respect to this matter. A submission of this document is not to be construed as a waiver of those rights. In

addition, the filing of this Statement is not to be construed as a representation that a search has been made by Applicant or counsel.

Please charge any additional fees associated with this Communication or credit any overpayment to our Deposit Account No. 23-0280. A duplicate copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated:

May 9, 2005

By:

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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 9, 2005.

Natha Conerly  
Natha Conerly 224487v1

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
PTO-1449

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Application No.: 10/754,242  
Filing Date: January 9, 2004  
First Named Inventor: Mark Robert  
Art Unit: 1761  
Examiner Name: Unassigned  
Attorney Docket Number: 715 P 025

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document No. Kind Code (if known)	Name of Patentee or Applicant	Issue or Publication Date (MM-DD-YYYY)
	US 4,623,552	Rapp	11/18/1986
	US 5,455,343	Fontaine et al.	10/03/1995
	US 5,143,741	Podolski et al.	09/01/1992
	US 6,197,362	Hussein	03/06/2001
	US 6,569,485	Hussein	05/27/2003
	US 2001/0005524 A1	Hussein	06/28/2001
	US 2002/0098271 A1	Frerot et al.	07/25/2002
	US 2003/165597 A1	Augustin et al.	09/04/2003
	US 2003/0099757 A1	Budinoff	05/29/2003

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	T
	Office	Number	Kind			
	DE	1949650	A1	Compagnie Gervais-Danone, Courbevoie, Hauts-de-Seine) (Frankreich)	09/04/1970	N
	GB	1220694		Cooperatieve Verkoop – En Productievereniging van Aardappelmeel en Derivaten	27/01/1971	Y

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
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Examiner Name: Unassigned  
Attorney Docket Number: 715 P 025

**OTHER PRIOR ART OR NON-PATENT LITERATURE DOCUMENTS**

Examiner Initial	(including Author (in capital letters), Title of the article, Title of the item, Date, Pages, Volume-Issue number, Publisher, City and/or Country where published.)	T
	BRUCE: "Pastel de Tres Leches" 'Online! 4 January 2004 (2004-01-04). XP-002323729 Retrieved from the Internet: URL: <a href="http://mexicanfood.about.com/b/a/054848.htm">http://mexicanfood.about.com/b/a/054848.htm</a> > 'retrieved on 2005-04-07!	

Examiner Signature: \_\_\_\_\_

Date Considered: \_\_\_\_\_

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.